

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

DAVID W. RUSH, )  
Plaintiff, )  
v. ) C.A. 07-514-SLR  
CORRECTIONAL MEDICAL SERVICES, Inc, et al, )  
Defendants.

PLAINTIFF REQUESTES LEAVE TO FILE AN ADDENDUM TO HIS REPLY TO DEFENDANT'S  
OPOSITION TO PLAINTIFF'S MOTION FOR TRO/PI

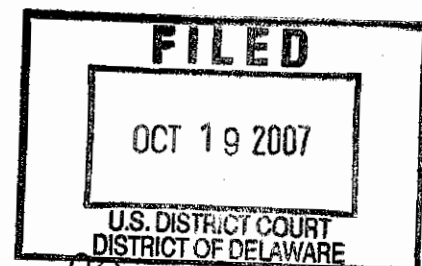
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Rush seeks to file addendum to his reply to defendant CMS's Response in opposition to plaintiff's TRO/PI. Rush is pro se and he seeks pleading leniency under *Haines v. Kerner*, 404 U.S. 519 (1972). Rush offers the following:

Nature and Stage of TRO/PI

On or about 8-22-07 Rush filed his complaint against defendant CMS, et al (D.I. 2), and on 9-12-07 Rush filed a TRO/PI, which requested emergency and immediate medical care for several serious medical conditions (e.g. Hep C, painful Lipomas, injured right shoulder) (D.I. 7-8). On 9-12-07 this Court Ordered CMS and the Attorney for the State of Delaware ("DDOC"), to respond to Rush's TRO/PI, and the Court Ordered CMS to provide the Court Rush's Medical records for review. CMS and DDOC responded on 9-19-07 ("CMS's Res"). Rush filed his reply and/or objection to CMS's opposition on or about 10-12-07. Rush does not wish to alter any position therein, but merely offers the Court subsequent facts that are relevant and pertinent to the matter. Rush offers the following in support:

1. In CMS's response (D.I. \_\_\_\_\_), defendant CMS attested to this Court that CMS intended to begin Rush's Hep C treatments on 09-29-07 (i.e. Interferon injections and Ribavirin pills), and thus the Court need not intervene because the matter was moot.
2. CMS's statement to this Court appears to be false.
3. Not only has Rush's Interferon injections not begun as of 10-15-07, but doctor McDonald directed Rush to begin the Ribavirin first in conflict with the manufacture's posted prohibitions.
4. Also, it appears that defendant CMS has refused to provide any care for Rush's painful Lipomas at all despite Rush's reasonable request for care.
5. For example, on 10-03-07 Rush filed a Formal Sick Call Request to be seen for his painful Lipomas, because several in Rush's left and right arms were causing him severe pain, significant impairment of mobility and range of motion, and the largest (e.g. about the size partially flattened out ping-pong ball), was pinching nerves in his left forearm and had caused deep bruising and had burst blood vessels.
6. Rush is a life long lefty, and his right arm is nearly useless.



7. Rush met doctor \_\_\_\_\_, (European descent), on 10-12-07, and he immediately stated they do not normally do anything for Lipomas unless they are pinching the nerves or causing damage to the blood vessels.
8. Rush showed the doctor his left arm, in which his Lipomas were indeed pinching multiple nerves in his arms and causing deep bruising and damage to the blood vessels.
9. The doctor told Rush to take off his shirt, and he subsequently noted multiple large Lipomas and damage to Rush's left arm.
10. Rush began to demonstrate how he was unable to perform normal daily tasks: such as washing his back or cleaning motions, but the doctor just talked over Rush and asked him what he was in jail for.
11. Rush questioned the doctor as to what that had to do with Rush's medical condition?
12. The doctor then asked Rush how much time he had left to do on his sentence?
13. Rush again stated that he did not know what or why his conviction or sentence had to do with him receiving medical care for his painful condition.
14. Rush was offended and his present sense impression of the doctor's unprofessional inquires was that the doctor was passing judgment upon Rush and somehow this factored into whether Rush was going to receive care.
15. The doctor then stated that he wanted to know whether Rush had used (illicit) drugs in the past two years, and Rush was startled by the doctor's evasiveness and Rush questioned him "What is this all about."
16. "Well, the Lipomas could be caused by doing certain drugs, and I see that you have Hepatitis C, and you can't begin Hep C treatments if you have done any drugs in the past two years," replied the doctor.
17. Rush exploded, "My Lipomas are not caused by any drug use; it's clearly documented that they are hereditary in my records and I haven't done drugs in over twenty years. My Hep C treatments have not begun yet and I did not come here today to see you about my Hep C."
18. Rush continued, "Now I'm in pain here and what are you going to do about it."
19. "Well, the Hep C issue must be considered," the doctor replied, "because we can no longer prescribe you Motrin for your problem."
20. Rush asked what alternatives were available and the doctor merely hunched his shoulders and shook his head.
21. "I can't help you; I think we are done here," said the doctor.
22. Rush received no treatment, no meds, and no viable medical plan for his diagnosed and obviously painful Lipomas.
23. Defendants have now refused to treat Rush's painful Lipomas in any manner at all.
24. The above is True and Correct and is the product of Rush's personal experience.

WHEREFORE, Rush requests this Court to grant his reasonable request for medical care and deny CMS's opposition and rebuke CMS's failure to follow through on Rush's indisputably needed Hep C treatments.

David Rush  
David Rush, SBI #173418  
1181 Paddock Rd.  
Smyrna, DE 19977

10-15-07  
Date

CERTIFICATE OF SERVICE

I, Plaintiff, Rush, have caused to be delivered on the below defendants the following documents by placing same in the U.S. Mail receptacle at DCC prison on the 18<sup>th</sup> day of October, 2007.

1. Filings: PLAINTIFF REQUESTES LEAVE TO FILE AN ADDENDUM  
TO HIS REPLY TO DEFENDANT'S OPOSITION TO PLAINTIFFS'  
~~ADDENDUM~~ MOTION FOR TRO/PI

3. Filings: \_\_\_\_\_

Defendants/Counsel:

James E. Drnec, Esq.  
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711 King St.  
Wilmington, DE 19801

David Rush 10/18/07

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